



OLR RESEARCH REPORT

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SUMMARY OF LCO 3943

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You asked for a summary of LCO 3943 (Senate Bill 63__*An Act Concerning the Timing of tests for Blood Alcohol Levels in Operating under the Influence Cases.*)

SUMMARY

Under current law, a blood alcohol (BAC) test or analysis must be administered to a person within two hours of his or her operating a motor vehicle or boat for the results to be admissible in (1) a criminal prosecution for operating a motor vehicle or boat while under the influence of drugs or alcohol or having an elevated BAC or (2) an administrative *per se* hearing. Also under current law, a BAC test must be administered to a hunter within two-hours of a hunting incident for the results to be admissible in a criminal prosecution for hunting while under the influence of drugs or alcohol.

This bill permits a test taken after the two-hour deadline to be admissible if evidence is presented that the results and analysis accurately indicate the BAC at the time of the alleged offense. (A 2010 law eliminated the two-hour deadline for administrative *per se* license suspension proceedings for boating violations.)

By law, a person who drives a vehicle has implicitly consented to submit to drug or alcohol testing. The law establishes administrative

license suspension procedures for drivers who refuse to submit to a test or whose test results indicate an elevated BAC ([CGS § 14-227b](#)).

The bill takes effect October 1, 2012.

VR:dy